

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARK WARREN PEARY, individually and in
his capacity as executor of the Estate of Joseph
Shuster,

Plaintiff,

vs.

DC COMICS, INC., et al.,

Defendants.

Civil Action No. 1:25-cv-00910-JMF

**DECLARATION OF
MARK WARREN PEARY**

I, Mark Warren Peary, hereby declare as follows:

1. I am the Plaintiff in this action. I submit this declaration in support of Plaintiff's Motion for a Preliminary Injunction. I have personal knowledge of the facts stated in this declaration, except as otherwise noted, and if called as a witness, I could and would competently testify to them.

2. I am the nephew of Joseph Shuster, the co-creator of Superman.

3. My earliest memories of my Uncle Joe were in his apartment in Queens, New York in the late 1960s. He was sharing it with his mother and brother. Those were hard years. I was only a kid, but I remember the cold drafts from the old windows and the old refrigerator sparse with food.

4. Family used to help out back then. My mother, Joe's little sister, would send him money when she could. Later, I realized what a great artist my Uncle Joe was. He could draw and paint beautifully. When blindness started encroaching, he still drew. He had to. It was his escape. He seemed like an old, tired Clark Kent, but the spark of Superman still lived inside.

5. In the late 1970s, Uncle Joe moved to San Diego. I met him at a Comic-Con

where he was doing drawings for fans. He drew Superman for my little sister, Dawn. We have it to this day. A true and correct scan of the drawing is attached hereto as **Exhibit A**.

6. Collectors have offered to buy it, and we could have used the money, but we would not part with it. It is our legacy—our family's contribution to history.

7.- In the early 1980s, I wanted to be an actor. Uncle Joe hosted me at his apartment in Los Angeles. He was kind, gracious, and never had a bad thing to say about anyone. Looking back, those were some of the best days of my life.

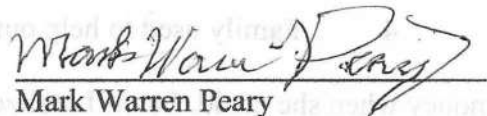
8. My Uncle Joe died in 1992. He changed the world. He changed me. Where would we be without him?

9. It has been hard to serve as executor of Uncle Joe's estate since I was appointed in 2003. To my family, and to me in particular, Superman represents a piece of Uncle Joe. Trying to protect his legacy—my family's legacy—is very important to me, and there have been many setbacks throughout this very long and drawn-out process.

10. It's hard and dispiriting to see a company profiting from Uncle Joe's work without ever giving him his proper due, especially when it doesn't have the rights in so many countries.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2025, in Santa Fe, New Mexico.


Mark Warren Peary